

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 144 of 1979

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. K.SREEDHARAN and
MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

SUBHASHCHANDRA VINUBHAI DESAI

Versus

STATE OF GUJARAT

Appearance:

MR SB VAKIL for Petitioners

GOVERNMENT PLEADER for Respondent No. 1

CORAM : THE CHIEF JUSTICE MR. K.SREEDHARAN and
MR.JUSTICE M.S.SHAH

Date of decision: 17/11/97

ORAL JUDGEMENT (Per : K.Sreedharan CJ):

The petitioners, who are agriculturists, challenge the validity of the Notification No.KH-SH-4772/C-3292-T dated 10-8-1972 and the Notification dated KH-SH-11/MWA-4275-105322-T dated 5-1-1976, issued by the Government of Gujarat, Education and Labour Department, fixing minimum wages for the employees engaged in the field of agriculture.

The above Notifications have been modified by subsequent Notifications No.K-171-MWA-1279-65772-T dated 1-8-1980 and No.KH-R-624-MWA-4278-103156-GH dated 2-10-1982 issued by the Government of Gujarat. Further, the minimum wages payable to the employees engaged in agriculture were fixed as per the Notification No.KH/R//69/MWA/1084/3118/M(2) dated 4-2-1986 and by Notification No.KHR-138-MWA-1088-1732-M(2) dated 30-6-1990.

In light of the subsequent Notifications fixing the minimum wages payable to the labourers engaged in the field of agriculture, we do not find our way to interfere with the fixing of minimum wages in the earlier Notifications dated 11-8-1972 and 5-1-1976. This Court in exercise of its power of judicial review is not to sit in appeal on the quantum of minimum wages fixed by the authorities under the Minimum Wages Act when it is seen that all the legal requirements under the Act and the rules framed thereunder have been complied with in issuing the Notifications. This is more so when it is seen that the constitutional validity of the Minimum Wages Act and the rules framed thereunder have already been upheld by this Court.

In the circumstances detailed above, we find no merit in this petition. It is accordingly dismissed. Rule is discharged with no order as to costs.

Interim relief stands vacated.

(K.Sreedharan C.J.)

(M.S.Shah J.)